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JUDICIAL DEPARTMENT.

IN THE CHIEF COURT OF MYSORE.

Criminal Side.

Rule of Practice No. 58, *dated 1st September* 1892.

In supersession of the Rules of Practice noted in the margin, the Chief Court, under Section 553 of the Code of Criminal Procedure, and with the sanction of Government, has framed the following Rules, for the submission of Calendars :—

No. 30, dated 5th July 1883.
No. 38, dated 6th January 1885.
No. 44, dated 27th October 1886.
No. 48, dated 15th August 1887.
No. 52, dated 12th March 1890.

ORIGINAL JURISDICTION.

1. *Sessions Judges.*— Courts of Sessions Judges will transmit to the Chief Court, copies of all judgments and orders, together with a tabular statement in the annexed form, within 48 hours after the date of pronouncing judgment or order in each case.

2. In cases which may be submitted to a Sessions Judge, for confirmation of sentence, under para 2, Section 34, Criminal Procedure Code, a copy of the order passed by the Sessions Judge, together with a copy of the judgment passed by the Deputy Commissioner exercising the special powers, should be submitted with a tabular statement in the annexed form, within 48 hours from the date of the order.

3. *District Magistrates.*—District Magistrates will forward to the Chief Court copies of all their judgments and orders, together with a tabular statement in all cases tried by them, including proceedings held under Chapters 8, 10, 11, 12 and 36 of the Code of Criminal Procedure, within 24 hours after pronouncing the judgment or order.

4. *Sub-Division Magistrates and 1st Class Magistrates.*—Sub-Division Magistrates and all First Class Magistrates will submit copies of judgments and orders, together with a tabular statement to the District Magistrate, in all cases tried by them, including the proceedings held by them under Chapters VIII, X, XI, XII and XXXVI of the Criminal Procedure Code, within 24 hours after the close of the trial.

5. District Magistrates will, after perusal, forward them without delay to the Chief Court, bringing at the same time to the notice of the Chief Court, any errors or irregularities in the proceedings of the Magistrates. Judgments or orders passed in summons cases by Sub-Division Magistrates and by First Class Magistrates need not be submitted to the Chief Court under this rule. This does not prevent a District Magistrate from submitting a judgment for the perusal of the Chief Court, if he considers that the case is of some importance, or that it is otherwise necessary.

6. All Second and Third Class Magistrates will submit copies of all judgments and orders passed by them, together with the prescribed statements, to the District Magistrate, and when there is a Sub-Division Magistrate, through such Magistrate, within 24 hours after the close of the trial. In the latter case, the Sub-Division Magistrate will, after examining the statements, judgments and orders, forward them to the District Magistrate, bringing at the same time to the notice of the District Magistrate, any errors or irregularities in the proceedings of the Subordinate Magistrates.

7. If an order of discharge is passed by a District Magistrate, under Section 209 of the Criminal Procedure, a copy of the order will, in the first instance, be submitted to the Sessions Judge. If the order is passed by any other Magistrate, he will forward it to the District Magistrate, who will, without unnecessary delay, forward it to the Sessions Judge. Sessions Judges will forward these copies after perusal to the Chief Court.

8. Statements need not accompany copies of judgments or orders when cases are compounded, or are permitted to be withdrawn, or when they are dismissed for default of the complainant's appearance.

9. District Magistrates, to whom copies of judgments of the Subordinate Magistracy are submitted, will carefully examine them and report at once to the Chief Court any cases which, in their opinion, may call for revision.

10. Copies of proceedings, if any, passed by District or Sub-Division Magistrates, on the statements and judgments submitted to them, together with copies of the statements and judgments so revised, will be submitted by District Magistrates to the Chief Court. If no proceedings are passed by a District Magistrate or a Sub-Division Magistrate, on the statements and judgments submitted to them, the statements and judgments themselves need not be submitted to the Chief Court.

APPELLATE JURISDICTION.

11. A copy of every judgment or order passed by Sessions Judges in the exercise of their Appellate Jurisdiction and a copy of every miscellaneous order passed by them under the provisions of the Criminal Procedure Code, finally disposing of any matter *sub judice*, will be submitted to the Chief Court within 48 hours after passing the same.

12. A copy of every judgment or order passed by District Magistrates in the exercise of their Appellate Jurisdiction and of every miscellaneous order passed by them under the provisions of the Criminal Procedure Code, finally disposing of any matter *sub judice*, will be submitted to the Chief Court within 48 hours after passing the same.

13. Copies of judgments on appeal and of miscellaneous orders as above passed by Sub-Division Magistrates and 1st Class Magistrates, will be submitted within 48 hours to the District Magistrate. The District Magistrate, after examining them, will submit them to the Chief Court.

14. A copy of judgment passed on appeal which, under paras 11, 12 and 13, is required to be submitted to the Chief Court or the District Magistrate, shall invariably be accompanied by a copy of the judgment or order appealed against, together with the statement accompanying such judgment or order.

15. Copy of proceedings, if any, passed by District Magistrates on the judgments and orders passed on appeal and submitted to them as above, will be forwarded to the Chief Court.

Note.—(*a.*) Any remark to the effect that a judgment is not in the prescribed form, or that it is not submitted within the prescribed time, or an order calling for an explanation, is not a proceeding within the meaning of this rule and of rule ten.

(*b.*) It is not a proceeding within the meaning of this rule and of rule ten, when a District Magistrate simply remarks that the sentence passed by a Subordinate Magistrate might have been more or less severe, but does not consider it necessary to make a reference to the Chief Court.

16. The following are some of the points which District Magistrates will particularly notice when exercising their powers of supervision :—

(*a.*) The rash or unnecessary issue of process.

(*b.*) The dealing with disputed claims of right under color of a charge of criminal trespass or mischief and convictions for these offences without a finding as to the criminal intent.

(*c.*) The indiscreet imposition of fines beyond the means of offenders.

(*d.*) The light punishment, by inferior Courts, of offences requiring severe sentences in cases which ought to have gone up to a superior Court for enhanced punishment.

(*e.*) The imposition of heavy fines in addition to imprisonment with a view, in default of payment, to extend the term of imprisonment beyond the ordinary powers of the Magistrate to inflict.

(*f.*) The exaction of excessive bail or excessive security for keeping the peace or for good behavior.

(*g.*) Unnecessary delay in the disposal of cases.

Form of Statement.

Serial Number.	Name of Complainant.	Description of accused.						Offence complained of.	Date of—				*Result of trial.	Number of adjournments.	Explanation of delay (1).	Remarks (2).
		Name.	Father's Name.	Caste.	Calling.	Age.	Residence.		Occurrence.	Complaint or Report.	Arrest by the Police or the first appearance before the Court.	Commencement of trial.	Close of trial.			

(1.) Explanations will be invariably submitted, if the interval between the date of appearance of the accused and the date of judgment or sentence is more than a month.

(2.) If the case is received by transfer from another Court, the date of the first appearance of the accused and the number of adjournments in that Court as well as the particulars of previous conviction will be noted in the column of remarks.

*Note here, discharged under Section
acquitted under Section
or convicted under Section
and sentenced to

By Order,

J. CLAPHAM,
for *Registrar*.